

**REMARKS/ARGUMENTS**

1. Objection to the oath or declaration:

5           The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application, by application number and filing date is required. See MPEP 602.01 and 602.02. The oath or declaration is defective because it is not dated.

**Response:**

10           A substitute declaration is provided which properly identifies this application. This substitute declaration properly identifies the application, and is signed and dated by the inventor. Acceptance of the substitute declaration is respectfully requested.

2. Rejection of claims 1-20 under 35 U.S.C. 112, second paragraph:

15           Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

20           Claims 1 and 12 recite the limitation "the captured image", for which there is insufficient antecedent basis.

25           Claims 1 and 12 recite the limitation "the processor generates the processed data by calculating a location address if the multifunctional optical device is in the mouse mode". The claims, as recited, do not clearly indicated how the processed data is related to calculating a location address.

          Claims 7 and 16 are incomplete for omitting essential elements. The omitted elements are a first light source and a first color.

30   **Response:**

The claims have been amended to overcome these rejections. Claims 1 and 12 now contain proper antecedent basis for “the captured image”, and also more clearly indicate how the processed data and the location address are generated.

5           In addition, claims 7 and 16 have been amended to depend on claims 6 and 15, respectively.

In view of the above claim amendments, reconsideration of claims 1-20 is respectfully requested.

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3. Rejection of claims 1, 5-9, and 11 under 35 U.S.C. 102(e):

Claims 1, 5-9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Fahraeus et al. (US 6,906,699).

15    **Response:**

Claim 1 has been amended to distinguish from the prior art. Claim 1 now recites that “each optical sensor in the optical sensor array provides the image information for a first color, and wherein only optical sensors providing image information for the first color are activated when the multifunction optical device is in the mouse mode”.

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In contrast, Fahraeus does not clearly teach that only optical sensors providing image information for the first color are activated when the multifunction optical device is in the mouse mode. Fahraeus does not teach, suggest, or provide motivation for only activating optical sensors that provide image information for the first color when the multifunction optical device is in the mouse mode. Therefore, the currently amended claim 1 is patentably distinguished from Fahraeus.

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30           Furthermore, claims 5-9, and 11 are dependent on claim 1, and should be

allowed if claim 1 is allowed. Reconsideration of claims 1, 5-9, and 11 is therefore respectfully requested.

4. Rejection of claims 2-3, 10, 12-13, and 15-20 under 35 U.S.C. 103(a):

5           Claims 2-3, 10, 12-13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahraeus et al.

**Response:**

10           Like claim 1, claim 12 also recites that “only optical sensors providing image information for a first color are activated when the multifunction optical device is in the mouse mode”. As Fahraeus does not teach, suggest, or provide motivation for only activating optical sensors that provide image information for the first color when the multifunction optical device is in the mouse mode, the currently amended claim 12 is patentably distinguished from Fahraeus.

15           Claim 3 has been amended to state that “optical sensors providing image information for a second color and a third color are deactivated when the multifunction optical device is in the mouse mode”. As Fahraeus does not teach controlling optical sensors that provide image information of different colors  
20           when the multifunction optical device is in the mouse mode, Fahraeus also does not teach that “optical sensors providing image information for a second color and a third color are deactivated when the multifunction optical device is in the mouse mode”. Therefore, claim 3 is patentable over the cited prior art.

25           Claim 16 has been amended to state that the multifunctional optical device contains a second light source for illuminating a surface when the multifunctional optical device is in the scanner mode, wherein the second color is different from the first color. Fahraeus does not teach or suggest that the second color of the second light source is different from the first color of the first light source. Thus,  
30           claim 16 is patentable over the cited prior art.

Furthermore, claims 2-3, 10, 13, and 15-20 are dependent on claims 1 and 12, and should be allowed if their respective base claims are allowed. Reconsideration of claims 2-3, 10, 12-13, and 15-20 is therefore respectfully requested.

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5. Rejection of claims 2-3, 10, 12-13, and 15-20 under 35 U.S.C. 103(a):

Claims 2-3, 10, 12-13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahraeus et al in view of Nakakuki (US 7,113,206).

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**Response:**

Claims 3, 12, and 16 are patentable for the reasons stated above. Claims 2-3, 10, 13, and 15-20 are dependent on claims 1 and 12, and should be allowed if their respective base claims are allowed. Reconsideration of claims 2-3, 10, 12-13, and 15-20 is therefore respectfully requested.

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6. Rejection of claims 4 and 14 under 35 U.S.C. 103(a):

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahraeus et al in view Kitamura et al. (US 5,140,148). Claim 14 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Fahraeus et al in view of Nakakuki, and further in view of Kitamura et al.

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**Response:**

Claims 4 and 14 are dependent on claims 1 and 12, and should be allowed if their respective base claims are allowed. Reconsideration of claims 4 and 14 is therefore respectfully requested.

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7. Rejection of claims 4 and 14 under 35 U.S.C. 103(a):

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fahraeus et al in view Ackley et al. (US 6,375,075). Claim 14 is

